

Message Text

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ACTION L-03

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DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

E.O. 11652: N/A
TAGS: ICRC, PARM, PFOR
SUBJECT: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW -
SIGNATURE OF THE FINAL ACT OF LIBERATION MOVEMENTS

SUMMARY: IT SEEMS LIKELY THAT THE NATIONAL LIBERATION
MOVEMENTS (NLM'S) PARTICIPATING IN THE CONFERENCE WILL BE
PERMITTED TO SIGN THE FINAL ACT. DEPARTMENT WILL HAVE TO
DECIDE WHETHER, IN THAT EVENT, US DEL SHOULD ALSO SIGN.--
END SUMMARY.

1. AS DEPARTMENT WILL RECALL, AT FIRST SESSION OF
CONFERENCE IN 1974, DECISION WAS TAKEN, OVER WESTERN
OPPOSITION, TO INVITE THOSE NLM'S RECOGNIZED BY INTERNATIONAL
REGIONAL ORGANIZATIONS TO PARTICIPATE IN THE CONFERENCE.
THEY ARE, BY RULE 58 OF THE CONFERENCE RULES OF PROCEDURE,
GIVEN THE RIGHT TO "PARTICIPATE FULLY IN THE DELIBERATIONS
OF THE CONFERENCE," AND THEIR STATEMENTS, PROPOSALS AND
AMENDMENTS ARE TO BE TREATED THE SAME AS THOSE OF
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NATIONAL DELEGATIONS. HOWEVER, RULE 58 ALSO PROVIDES
THAT "ONLY DELEGATIONS REPRESENTING STATES WILL BE
ENTITLED TO VOTE." GIVEN THESE FACTS, IT IS PERHAPS
NOT SURPRISING THAT THE NLM'S ARE NOW PRESSING TO BE
PERMITTED TO SIGN THE FINAL ACT. THEY WILL NOT, OF
COURSE, BE ELIGIBLE TO SIGN THE TWO AGREEMENTS PRODUCED
BY THE CONFERENCE, WHICH WILL BE OPENED FOR SIGNATURE

BY PARTIES TO THE GENEVA CONVENTIONS IN SIX MONTHS.

2. LIBERATION MOVEMENTS ADMITTED IN 1974 WERE THE FOLLOWING: AFRICAN NATIONAL CONGRESS; ANGOLA NATIONAL LIBERATION FRONT; MOZAMBIQUE LIBERATION FRONT; PALESTINE LIBERATION ORG.; PANAFRICANIST CONGRESS; PEOPLE'S MOVEMENT FOR THE LIBERATION OF ANGOLA; SEYCHELLES PEOPLE'S UNITED PARTY; SOUTH WEST AFRICAN PEOPLE'S ORG.; ZIMBABWE AFRICAN NATIONAL UNION; ZIMBABWE AFRICAN PEOPLE'S UNION. OF THIS TOTAL, HOWEVER, SOME NO LONGER EXIST, AND ONLY THREE, THE PLO, THE ANCZ, AND PAC ARE PRESENT AT THE CONFERENCE THIS YEAR.

3. ALTHOUGH US DEL HAS MADE CLEAR TO SWISS DEL. AND TO CONFERENCE SECRETARIAT THAT WE ARE FIRMLY OPPOSED TO NLM'S BEING PERMITTED TO SIGN THE FINAL ACT, IT SEEMS LIKELY THAT THEY WILL BE PERMITTED TO DO SO. IT IS A PROCEDURAL QUESTION TO BE DECIDED BY MAJORITY VOTE, AND THE SUPPORTERS OF SUCH MOVEMENTS HAVE THE VOTES. SWISS WILL, WE ARE INFORMED, INSIST THAT SIGNATURE BY NLM REPS BE ON A SEPARATE PAGE AND UNDER A SEPARATE HEADING FROM GOVERNMENT REPRESENTATIVES. NO DECISION HAS YET BEEN MADE WHETHER OBSERVERS - E.G., UN, REGIONAL ORGS., NON-GOVERNMENTAL ORGS. - WILL ALSO BE PERMITTED TO SIGN. THEIR CLAIM UNDER THE CONFERENCE RULES IS OBVIOUSLY WEAKER THAN THAT OF NLM'S, BUT THEY COULD HELP DILUTE POLITICAL EFFECT OF SIGNATURE BY NLM'S.

4. ISRAELI REP. TOLD US ON JUNE 1 THAT HE HAS RECEIVED LIMITED OFFICIAL USE

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FIRM INSTRUCTIONS NOT TO SIGN THE FINAL ACT IF THE PLO IS PERMITTED TO SIGN, AND HE EXPRESSED STRONG HOPE THAT USG WOULD TAKE THE SAME DECISION. HE RECOGNIZED THAT SUCH SIGNATURE IS LOGICAL RESULT OF 1974 DECISION, BUT BELIEVES PRESS WOULD IGNORE THIS AND ASSERT THAT SIGNATURE INVOLVED RECOGNITION OF PLO. WE TOLD HIM WE WOULD REQUEST INSTRUCTIONS, SO DEPARTMENT MAY ANTICIPATE DEMARCHE BY ISRAELI EMBASSY.

5. FINAL ACT IS NOT, OF COURSE, AN INTERNATIONAL AGREEMENT, BUT MERELY A RECORD OF THE ACCOMPLISHMENTS OF THE CONFERENCE. AS NLM'S HAVE PARTICIPATED IN THE CONFERENCE, THEIR CLAIM TO HAVE THEIR DELS SIGN IS NOT UNREASONABLE AND, IN ANY EVENT, PROBABLY CANNOT BE RESISTED SUCCESSFULLY. WE SHALL CONTINUE TO OPPOSE AND WILL URGE SWISS EITHER TO DO WITHOUT FINAL ACT OR TO HAVE ONE THAT IS NOT SIGNED, BUT WE ARE NOT OPTIMISTIC OF SUCCESS. THUS, USG WILL PROBABLY HAVE TO DECIDE BY JUNE 10 WHETHER, IN THESE CIRCUMSTANCES, US DEL SHOULD SIGN,

OR NOT.

6. SPECTRE OF USG BEING COMPELLED NOT TO SIGN BECAUSE OF PLO SIGNATURE IS UNPLEASANT AND MAKES US LOOK HYPOCRITICAL; IT WOULD BE POINTED OUT THAT WE STAYED IN THE CONFERENCE FOR FOUR YEARS ALONG WITH THE PLO, BUT NOW ARE UNWILLING TO ACKNOWLEDGE THAT FACT BY SIGNING FINAL ACT. THERE IS NO REASON FOR A REFUSAL TO SIGN OTHER THAN DEFERENCE TO ISRAELI FEELINGS. PRELIMINARY SOUNDINGS WITH OTHER WESTERN DELS. INDICATE THAT, IF WE DECIDE NOT TO SIGN, WE SHALL PROBABLY BE ALONE WITH THE ISRAELIS, ALTHOUGH NONE HAS YET RECEIVED FINAL INSTRUCTIONS. US DEL WILL REPORT FURTHER DEVELOPMENTS AND WILL CONTINUE TO TRY TO AVOID SIGNED FINAL ACT, BUT IF WE ARE NOT TO SIGN, WE MUST ANTICIPATE THAT INSTRUCTIONS TO THAT EFFECT MAY BE NEEDED BY JUNE 10. WE RECOMMEND THAT US REP. SIGN FINAL ACT
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UNLESS DEPARTMENT BELIEVES THAT COST IN US-ISRAELI RELATIONS WOULD BE TOO HIGH. SORENSON

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Message Attributes

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